

Q You said you broke down?

A I broke down and I told them the mere facts I knew about the situation.

Q How long did this conference last with the District Attorney?

A All told, maybe about 35 minutes.

Q After that what happened?

A They had taken me downstairs and the usual routine, of course, check up, and had taken my fingerprints, had taken my picture, and then we had to appear in front of Judge Neelen. This hearing was for the simple reason of the bond.

THE COURT: How is the review of the preliminary material here?

MR. SAMMARCO: Well, I haven't said it was material. I haven't said a word.

MR. KERSTEN: I will object to it. You are asking the questions and it's your witness.

THE COURT: This is immaterial. Confine him to the issues.

BY MR. SAMMARCO:

Q Let me ask you this question: Have you ever had any trouble in your life at any time?

A Yes, I have.

Q Now, tell the jury what trouble you had and when it

was, what age you were, and what happened?

MR. KERSTEN: I think that's going a little bit too far.

BY MR. SAMMARCO:

Q Were you ever arrested?

A Yes.

Q Tell us what it's all about.

THE COURT: Was he ever convicted?

BY MR. SAMMARCO:

Q Were you convicted?

A Yes.

Q Tell us what happened.

A When I was twenty years of age---

MR. KERSTEN: How is that material?

THE COURT: I don't know.

MR. KERSTEN: Objected to.

THE COURT: Objection sustained.

MR. SAMMARCO: I just want the jury to know he has been arrested and convicted, so there won't be any question about it later on.

THE COURT: That's all right.

BY MR. SAMMARCO:

Q Now, you heard this girl testify that every time she paid you money she protested. Can you tell us whether or not that is true or false?

A I don't recall any such instance.

Q You recall any instances of any payment of moneys except the \$40.00?

A Just that \$40.00.

Q She also testified when she met you in Du Laveris Bar around Decoration Day, the fact you received one hundred dollars, she said, "Now, don't bother me any more." Is that testimony true or false?

A It is not true.

Q Did you ever meet her there about Decoration Day?

Did you meet her there about Decoration Day?

A What Decoration Day?

Q About the 30th of May?

A No.

Q She also testified that you received \$125.00 directly from Maxine, at which time you were supposed to have said, "Good work" or "Nice Work", as you were about leaving. Is that statement true or false?

A It isn't true.

Q She also testified that Maxine and Christ came into the tavern about the latter part of May, or around Decoration Day, and told you that if you gave her up they would pay you \$150.00. Is that testimony true or false?

A It isn't true.

Q She further testified at that time you came out from

behind the bar and she counted it out to you, \$100.00 in bills. Is that true or false?

A That is not true.

Q She further testified that at this supposed meeting around Decoration Day Maxine remarked to you, "You cannot bother her any more," and "I'll send you the balance later." Was there such a statement made?

A Never.

Q And did you meet these people at that time, around Decoration Day?

A The latter part of May?

Q Yes.

A Couldn't possibly have been the latter part of May, because my job expired on the 19th.

Q This girl testified during the month of May she was to give a strip tease before the Junior Chamber of Commerce of Sheboygan at the Old Colony Club, and she refused to do so, and you were called by Maxine. Do you remember such an incident?

A I don't recall that.

Q Do you recall whether or not in a few hours you were up there while the Junior Chamber of Commerce was meeting, and protested to her and told her to go ahead with this act?

A I did not.

Q Did you tell this girl at any time that it was better to do work this way than have men use her body?

A That's ridiculous. Can I ask you something?

MR. SAMMARCO: Talk out loud.

THE COURT: He can ask me.

MR. SAMMARCO: Does the witness wish to make a statement?

THE COURT: No, it was a request for information on the part of the witness, and he has been informed. It is nothing material to the case and the jury will simply ignore it.

Q Now, the first time you went over to Maxine's Old Colony Club, where did you sit?

A I was sitting on the couch.

Q Who was sitting next to you?

A The young lady.

Q Gloria?

A Yes.

Q Did you have your arm around her?

A No.

Q Did you talk to her?

A I was talking to her, yes.

Q What did you tell her that time?

A I told her that this is a place where she would be taken care of. I said, "At any time when you want to call

me up, if anything is wrong, if you don't like it here, call me up and I'll take you back to Milwaukee." I had told her the only reason she was up there was to get cured, and that I was taking care of it until she would reciprocate after she got her job in Milwaukee.

Q Did you make any statement to her at or about the time you left the place that she should do as she was told?

A Never.

Q Under what name did you meet this girl? What name did she use when you first met her?

A All I knew her by was "Irish".

Q No other name?

A No. She had told me she was twenty-two years old.

Q During the proceedings the complaining witness used the word "hustling." When was that word used during the trip?

A I don't recall that word.

Q Do you remember the testimony she gave that she requested from the group waiting there, that is, you, Fazio and Duffy, the information as to what kind of a job she was going on?

A No, she never said that. She had known what she was going out to this home for. She knew.

Q You had told her?

A I told her this was a home, she would be taken care of for gonorrhoea.

Q Is that what Fazio told you?

A Yes.

MR. KERSTEN: Object to that as leading.

THE COURT: Objection sustained. The question and answer are ordered stricken and the jury instructed to disregard it.

BY MR. SAMMARCO:

Q How many girls were there at Maxine's the first time you walked in there?

A I just met this Gail, that's the only one I met there.

Q Were there any other girls came in while you were sitting there?

A I don't recall any other girls coming in there.

Q She testified the other day that you introduced her to a girl who was supposed to be a Hungarian. Did you introduce her to anyone?

A I don't know any girl who is Hungarian. I never knew any other prostitute, never knew any of them.

MR. SAMMARCO: That's all.

MR. KERSTEN: The cross-examination will not be very lengthy, but I think we can save time if we can adjourn now,

THE COURT: We will adjourn now until nine o'clock tomorrow morning.

So that the record may be straight, I would like to state for the purpose of the record that the witness advised the Court and requested the Court to know whether it would be possible for him to submit to a lie detector test and require the State's witness to submit to a lie detector test. In presence that the Court said it would not, and we went on asking questions. Just show the record will show.

(Adjournment taken.)

November 19, 1941. Trial resumed.

Parties appearing as heretofore noted.

Defendant in Court.

SALVATORE GAGLIANO resumes the stand for cross-examination.

BY MR. KERSTEN:

Q Teddy, how old did you say you were?

A Twenty-seven years old.

Q Where were you born?

A Milwaukee, Wisconsin.

Q Lived here all your life, have you?

A Yes.

Q You have never been out of the State or country for any long period of time, have you?

A Yes, I have.

Q How long a period of time were you away?

A Probably four or five months at a time.

Q Frequently?

A Frequently.

Q But this has been your home continuously?

A Yes.

Q You always come back to Milwaukee?

A Yes.

Q You have a little girl, haven't you?

A Yes.

Q How old is she?

A Eighteen months.

Q She wasn't quite a year when you first met Irish, was she?

A I don't think so.

Q Coming on two years old?

A Yes.

Q You live at home with your mother and wife?

A Yes.

Q And your little girl?

A Yes.

Q Were your relations, that is, your associations with your wife happy?

A Always.

Q Always happy?

A Yes.

Q You were not having any difficulty with your family, were you?

A Never at any time.

Q You have always supported your family?

A To the best of my ability.

Q Do you help to support your mother?

A Yes.

Q Do you help to support anybody else beside your wife, your mother and your little girl?

A No.

Q Those are your dependents?

A Yes.

Q Nobody else helped to support them beside yourself?

A No.

Q They are dependent upon you?

A Well--my dad works.

Q But you did contribute to your mother's support?

A Yes, I do.

Q Nobody else helps take care of your wife financially,

outside of yourself?

A No.

Q You have ordinary family expenses, don't you?

A Yes.

Q You pay your bills?

A Yes.

Q Have you any outstanding bills?

A Yes, I have.

Q Did you have any outstanding bills in May, 1941?

A I believe I had.

Q Give us some idea of the total of those bills.

A I don't recall distinctly, but I think I had some tailor bills.

Q You mean for clothing?

A Yes.

Q Any other bills?

A At the present time I don't recall any.

Q You run up a grocery bill at the grocery store?

A No.

Q Buy your groceries cash, do you?

A Yes.

Q You were in the habit of sometimes taking advances on your salary, weren't you?

A Yes.

Q That was because you ran short in the middle of the

week?

A That's right.

Q That happened at least half of the time, didn't it?

A Almost all of the time.

Q Most all the time you ran short and had to get advances on your salary, is that right?

A Yes.

Q Now, Teddy, you said in response to your counsel's question that they took you up and fingerprinted you and took your picture?

A Yes.

Q That's when they arrested you this time?

A When I came up to the Safety Building.

Q After you got through talking to Mr. Steffes and the deputies?

A That's right.

Q That isn't the first time you had your picture taken in this building, or your fingerprints taken?

A No, that's right.

Q That had occurred several times before?

A Not several times.

Q It was twice before, wasn't it?

A Perhaps twice, but not several times. I don't know what you mean by "several times".

Q Twice before been fingerprinted in the Identification

Bureau in the Safety Building by the Police Department?

A Yes.

Q And the pictures taken of you were taken by the police photographer?

A That's correct.

Q Twice before. Did you in May of 1941, last May, have any kind of a bank account?

A No.

Q Not able to save enough money in the last year or so to put it in the bank?

A I had put money at home, I had a little bank at home. I deposited my money in.

Q How much did you ever accumulate at home?

A I had sixty or seventy dollars at one time.

Q What kind of a bank did you put it in at home?

A A little red square bank.

Q That is, your wife took sort of joint control of that with you?

A She always held it.

Q Your family was entirely--that is, you and your wife didn't have any difficulty about money, did you?

A No.

Q Now, when you came down to work on May 2nd of this year, what time would you say it was when you came

down to work at the Du Laveris Bar?

A Five o'clock in the afternoon.

Q Your hours were from 5:00 to 2:00, is that it?

A Yes.

Q Do you recall when you came to work that day, where you came from?

A Home.

Q Had you slept at home before you came to work?

A Yes.

Q What time were you in the habit of getting up?

A I usually went to bed about three or four o'clock in the morning and got up about two or three o'clock in the afternoon.

Q What did you do then, just sit around the house?

A Just sat around the house.

Q Eat?

A Yes.

Q Lived with your family?

A That's right.

Q Do you recall what you did on this particular day?

A I don't recall exactly, but got up and hung around the house, probably went across the street to my uncle's tavern and stayed around there for awhile, just hung around the house after that, I believe.

Q Did you take anything with you unusual when you left

home that day?

A Just what do you mean?

A Was there anything now you recall you took along with you that was out of the ordinary, as far as you know?

There is nothing you can recall you took along that makes an impression in your mind now, is there?

A That makes any impression on my mind?

Q Nothing that makes any impression on your memory?

Nothing unusual you took along on that particular day?

A No. If you are referring to money, I always had money in my pocket.

Q How much did you have?

A I always had several dollars.

Q How much did you have, would you say?

A At times I carry forty or fifty dollars in my pocket.

Q How much did you have that day?

A I don't recall distinctly how much I did have.

Q How much do you think you had?

A I always had that amount in my pocket.

Q You kept that in the pocket, did you?

A Yes.

Q Always had forty or fifty dollars in your pocket?

A Not always, no.

Q Well, usually, is that correct?

A Usually I had that amount in my pocket.

Q Why was it necessary for you to get advances on your salary, Mr. Gagliano, if you had forty or fifty dollars in your pocket most of the time?

A I usually gave the money to my wife.

Q As a matter of fact, you never had \$40.00 or \$50.00 in your pocket usually when you were working, did you?

A I always did have that amount in my pocket.

Q Then will you explain to me why you had advances on your salary practically all the time?

A I always drew.

Q Why?

A Probably my wife needed the money.

Q What about this forty or fifty dollars in your pocket?

A I would have to give her the check, naturally, and she would see how much I had during the week.

Q You told this Court and jury a minute ago you drew on your salary each week because you ran short?

A That's true, at times I did.

Q You said most of the time you did?

A That's right.

Q Now you say most of the time you had forty or fifty

dollars in your pocket?

A That's right.

Q Do you consider you are short of money when you have forty or fifty dollars in your pocket?

A No, I don't consider myself short.

Q Then you were rarely short of money, isn't that true?

A Not always.

Q You usually had forty or fifty dollars in your pocket, you say?

A That's right.

Q And you usually, therefore, were not short of money, isn't that right?

A That's right.

Q And you usually and rarely borrowed on your checks because you were short of money, isn't that correct?

THE COURT: Better reframe the question.

BY MR. KERSTEN:

Q As a matter of fact, you didn't draw on your check very much because you were rarely short of money?

A That's right.

Q Which is true? Were you usually short of money or weren't you usually short of money? You have answered both way. Now, which was is true?

A You are getting me convused at times. When I needed money I would draw on my checks, but there were times

again I had the money in my pocket, I didn't need to draw.

Q As a matter of fact, you almost always got advances on your check, didn't you?

A Not always.

Q But nearly always?

A Most of the time.

Q And most of the time you got advances on your salary because you were short, is that right?

A That's right.

Q So that you didn't have \$40.00 or \$50.00 in your pocket most of the time, did you?

A Well, my wife never knew what I carried in my pocket. That was my business.

Q I am not asking you what your wife knew. I am asking you this question: Usually you didn't have \$40.00 or \$50.00 in your pocket, did you?

A Usually? I don't know what you mean.

Q Most of the time you didn't have forty or fifty dollars in your pocket, did you?

A No, not most of the time.

Q Very rarely did you have forty or fifty dollars in your pocket when you worked for Du Laveris, over and above your check, did you?

A I always made that kind of money, always made very

good money at Du Laveris. My salary was \$27.50 a week, and I have always made tips averaging from ten to fifteen dollars a week.

Q I will ask you this question once again: When you worked for Du Laveris were you usually short of money so that you had to borrow on your check each week?

A No.

Q Now you say "no". All right. Now, Teddy, you first met Irish in the early morning of May 1st, isn't that right?

A That's right.

Q And you just were introduced to her, just said "Hello" and just saw her casually, is that right?

A That's correct.

Q You didn't strike up any conversation with her that night?

A No.

Q Was she drinking there that night?

A I didn't notice.

Q Was she at the bar?

A She was at the bar.

Q Did she appear as though she had been drinking, a little bit intoxicated that hour of the morning?

A I just met her a second or two, I didn't notice whether she was or not.

Q You told us the next night, around 9:30, or so, you saw her the second time?

A That's right.

Q You at the time were tending bar and singing?

A That's right.

Q And she was kidding, is that it?

A Yes.

Q Now, Teddy, I want you to tell me everything you can remember from the first time you saw Irish on the second occasion, until you left Du Laveris Tavern that night.

A Sure, I remember that very distinctly.

Q Tell us about that.

A After I had met her the first time on May 2nd, the following night she had come in around 9:30, come in and said "Hello" and I said "Hello" and I was singing around the bar. As I told you once before, she was kidding me, tried to reach for me and put her arms around me, but I walked away and started tending to my business, singing my songs. Then I approached her again on another occasion, I was singing at one end of the bar, and I struck up a conversation with her because I had heard that this girl was not staying anywhere.

Q From whom?

A From this Dan Patsos, the manager.

Q When?

A During the night, at the beginning of the evening.

Q I want you to tell me everything that happened and the way it happened, just the way, as near as you can tell us. You say she was there at 9:30 that night, you started to say?

A That's right.

Q When did you first see Dan Patsos?

A He was there all the time.

Q When did you first see him?

A When I first came to work.

Q What time was that?

A About 5:00 in the afternoon.

Q Now, tell me whether or not you had any talk with Dan Patsos, before you saw Irish?

A No. This girl's name didn't come up, but we did talk about her when she had come in the tavern.

Q In other words, she came in around 9:30?

A Yes.

Q And you say you talked about her then?

A Yes.

Q Now, I want you to tell me everything happened from the time she first came in, in connection with her or anybody that talked about her?

A Just what do you mean, "anybody that talked about her"?

Q You said Danny Patsos talked about her?

A Yes.

Q That's what I mean.

Q Well, when she first came in, this Dan and I were always conversing over the bar, and he had seen this girl fooling around with me, and he had told me that this girl--that she didn't have nowhere to stay, and he had heard from this Bobby Terris that this girl was diseased.

Q He heard it from Terris?

A He heard it from Bob Terris and he told me this story.

Q Was that the Bob Terris was on the stand yesterday?

A Yes.

Q That said he never saw the girl in his life?

A That's what he said. Then I got to the end of the bar again, singing, and I struck up a conversation with this girl and I told her, after I had known her situation, I told her: "Why don't you go out and secure yourself a job and get off the street and try to do something for yourself? I'll try to help you." She said, "Anything you can do I would appreciate."

In fact, we were talking about singing, she had liked my voice and she had asked me for a few requests and

I sang to her. So during the evening she had went out several times and she had come back, and I told her, I said, "Wait until I get through working, I'll talk to you and see what we can do for you." She said that she would. So at two o'clock in the morning, when I was through working, I was talking to this girl in the booth first, I had talked to her about the same situation.

Q Tell me what was said.

A I told her where she was at, where she was staying. She said she wasn't staying anywhere.

Q You mean you asked her where she was staying?

A Yes, and I asked her how old she was. She said she is twenty-two years old. And again I told her about her folks, I said, "Don't you have any folks?" She said, "Well, I don't get along with my mother," and "my father", if I recall correctly she said, "My fater is arrested and in some prison." That's what she had told me. So I really felt sorry for the girl, and I said, "Let's go across the street and have something to eat." I asked her is she had eaten. She said she woul go across the street with me. So I don't know just what she had, I believe she had some pastry and a cup of coffee.

Q Where did you go?

A To the Belmont Hotel.

Q In other words, you went from the Du Laveris Bar to the Belmont Hotel?

A Distinctly.

Q And that is right across the street, is it?

A Cater-corner.

Q Diagonally across the street?

A Yes.

Q Tell me what happened over there.

A We had went there, she drank her coffee, and I had some coffee, and then she was seated, she had left the restaurant part and was seated in the lobby.

There was a sort of big comfortable chair there.

She was seated there and as she was sitting there

Louis Fazio had walked in, so I had took him to one side and told him the situation of this girl.

Q What did you tell him?

A That this girl had nowhere to stay and was diseased, and I said if he knew anywhere where this girl could go to get taken care of, so he said he did.

Q Now, just a minute. How long have you known Louis Fazio?

A I have known Louis Fazio for years, in fact he lives in the same neighborhood I live in.

Q Go ahead.

A During this conversation that Louis Fazio and I had, this girl had fallen asleep in this chair.

Q How long did you talk to Fazio?

A Oh, about four or five minutes, and I asked him about this situation, I told him whether he knew where this girl could stay, I said because I would secure a job for her in a restaurant or something. He said he knew of a place he could take this girl, so we got into his car.

Q What did you say about taking this girl to any place, if anything?

A I said it would be all right, how much would it cost. He said it would cost about forty or fifty dollars.

Q When did you ask him that?

A During this conversation, and we had gone out in the car and took the girl out in the car, she had fallen asleep.

Q You carried her out?

A No, we woke her up and walked out.

Q What did you tell her when you woke her up?

A I didn't tell her nothing. I said, "This looks very bad in here, you better wake up and go out in the car and go to sleep." That's exactly what I told her.

Q And when you took her out there you were intending

A Yes.

Q What did Fazio say about the place, as to where it was?

A He didn't tell me that.

Q What did he say?

A He said he knew a place where a woman would take care of her, but we would have to pay this woman forty or fifty dollars for the duration of this disease.

Q Up North?

A He didn't say up North. He said a little way out.

Q What did he say?

A He said a little ways up North here.

Q He did say "up North", then, didn't he?

A Yes.

Q So you woke this girl up, told her she could sleep in the automobile, and told her nothing more, is that right?

A We had gone out to this girl, then Louis had this other automobile he had borrowed from someone, I don't know where he got it, that's the car he had come to this hotel with, it was a later model automobile. This girl was in Duffy's automobile at the time. She remember distinctly I had wakened her up from the automobile she was sleeping in and said,

"Let's get in Louis Fazio's car and he'll take you somewhere where you can stay can be taken care of."

Q What did she say?

A She said it was alright, she wanted to go, so we got in this automobile, Duffy and Louis Fazio sat in the front seat.

Q You took her first into one automobile and let her sleep there?

A Yes.

Q How long did she sleep there?

A Well, I don't know. A few minutes, I guess.

Q While she was sleeping there in this car, where were you?

A We were in this hotel.

Q You mean you just took her out of the hotel and put her into the automobile, left her there alone, and came back again?

A Yes.

Q Was there anybody standing guard over her?

A No, and I'll tell you the reason why we went back into the hotel.

Q Why?

A Fazio had called up this party, made a long distance telephone call.

Q So you knew it was out of town?

A Yes, several miles, I figured it was, so he had called up this party.

Q Where did he call from?

A From the Belmont.

Q Who did he talk to?

A I don't know who he had talked to.

Q Where were you when he talked to her?

A I was outside the booth.

Q Who else was in there?

A Just Fazio.

Q You first went in there, beside Fazio and Buffy, who was there?

A Where?

Q At the Belmont Hotel in this group?

A There was several people around, and fellows.

Q What fellows?

A She claims she had met this Gentilli and these other fellows.

Q Who else?

A Them fellows weren't there at the time.

Q Who was there?

A I don't remember anybody but Fazio, Duffy and I and this girl.

Q You know Gentilli?

A Yes.

Q And you know Machi?

A Yes.

Q You have known him for some time?

A I was brought up with them kids, but I have never associated with them for the last several years.

Q you never associated with Fazio either for the last couple of years?

A No. I had known them.

Q There was a reason for your not associating with him, wasn't there?

A With who?

Q With Fazio.

A Not exactly.

Q You said you didn't associate with this group. Why didn't you associate with this group?

A I just didn't associate with them.

Q (last question read)

A Why didn't I associate with millions of other people?

Q I don't know.

A Because I can't associate with everybody at one time.

Q But you have known Centilli and Fazio ever since you were boys?

A That's right.

Q Did you associate with Fazio the last few years?

A No.

A No.

Q You didn't?

A No.

Q What's the last association before this time that you had with Fazio?

A The last?

Q I mean the first part of May, when is the last time you had much to do with them?

A Never had much to do with them, just had known them.

Q Just knew them in the past?

A Yes.

Q Was there any particular reason for avoiding them?

A No, I never avoided them.

Q Was there any particular reason for avoiding Gentilli, that you know of?

A No, I didn't just associate with those boys.

Q Any particular reason for not associating with Machi, that you know of?

A No.

Q Or with Duffy?

A No.

Q About how long before this May 1st episode you had anything to do with Fazio?

A Never had anything to do with him.

Q Never took any trips with him?

A No.

Q Never went any place with him?

A No.

Q Never went out of the State with him?

A Never.

Q Ever go to any entertainment with him?

A What do you mean, "entertainment"?

Q Like a show, or ever have dinner together?

A Not that I recall.

Q Your family and his family?

A Never.

Q He was just one of the fellows in the neighborhood?

A That's right.

Q You didn't know him very well?

A I knew him as a casual acquaintance.

Q Just as a casual acquaintance?

A Yes, I had known him for years.

Q How long was it after you got into the Belmont Hotel you saw Fazio?

A Oh, maybe ten minutes.

Q Did he come over to you or you go over to him to talk to?

A I went over to him.

Q Why?

A Because I had known that he had an automobile. I thought probably he knew somewhere to take this girl.

Q Oh, so you had it in your mind before you even talked to Fazio that in order to cure this girl of this disease you had to take her some place out of town, is that right?

A No, It was at the hour of the morning, I didn't know where to take this girl and I didn't want to be involved in any trouble, and I told Fazio, "Do you know of any place where you can take this girl?"

Q Just why was it you went over and talked to Fazio?

A Because he's the first one came in I could talk to.

Q Why did you go over to talk to him?

A I told you the reason why.

Q What is that reason, now?

A About this girl, if he had known somewhere to take this girl.

Q Why did you go to him to help you take the girl some place?

A Well, it just happened I went to him and it happened he came in.

Q Any particular reason you should go to him to help you take care of this girl?

A No particular reason, no.

Q Any reason whatsoever?

A No reason whatsoever.

Q Now, you just told me a minute ago, because he had an automobile.

A Well, because he had an automobile was a reason.

Q Why was that a reason?

A I didn't know where to take this girl, I couldn't walk, and knowing he had an automobile, he probably knew.

Q You have ridden in taxis, haven't you?

A Sure, I have ridden in taxis.

Q Why did you figure you needed an automobile?

A You didn't expect me to go all around the State in a taxicab?

Q Where did you expect to go around the State?

A I didn't have any particular place to go. That's why I had confronted him, I thought probably he knew a place where to take this girl. If it was during the day I would have taken her to a doctor myself.

Q You never heard of the County Hospital, did you? Milwaukee County Hospital?

A Yes, sure.

Q Ever see it?

A Sure, I have seen it.

Q Did you figure this girl needed immediate attention?

A No immediate attention, no.

Q This was about three in the morning?

A Yes.

Q Or a little earlier?

A About 2:30 or a quarter to 3:00.

Q You got up to this place about what time?

MR. SAMMARCO: What place?

MR. KERSTEN: Up to Sheboygan Falls.

A Maybe two or three hours after that.

Q Around 4:00 or 5:00 in the morning?

A About that.

Q So you figured right then and there in the early hours of the morning she had to be taken care of---

A Not that she had to be taken care of.

Q ---that you couldn't wait to see a doctor in Milwaukee until the ordinary people woke up to take care of such things, could you?

A The reason for that was that the girl didn't have a place to sleep and hadn't slept the last several nights.

Q You were right there in the Belmont Hotel, weren't you?

A Yes.

Q You had how much money on you?

A I had several dollars, forty or fifty dollars.

Q Did you ever rent a room in the hotel?

A Never.

Q You never did?

A No.

Q Did you know what the hotel room cost?

A Sure, I know what it costs.

Q How much did you think it costs at the Belmont Hotel?

A Maybe one dollar or a dollar and a half.

Q Did it ever occur to you you could get some sleep in a hotel right there?

A Yes.

Q It did occur to you?

A It occurred to me at the time that if I would put this girl into a hotel, that wasn't any of my business, I couldn't put her in a hotel, I knew it would involve me in trouble.

Q So you figured putting her in an automobile with Fazio, with whom you hadn't had any real associations for some years, and taking her out of town---

A Not out of town, I didn't know whether it was out of town.

Q You just told me you heard him put in a long distance call?

A Yes. I didn't figure it was seventy or eight miles, I thought ten or fifteen miles.

Q How far do you think you have to go to get out of

town?

A Several miles.

Q What do you mean by that?

A Maybe eight or ten miles.

Q You know when you put in a long distance call you are calling to somebody outside of town, don't you?

MR. SAMMARCO: Objected to as incompetent and immaterial.

THE COURT: Objection overruled.

A Not that I know I was calling outside of town, because I didn't make the phone call.

Q You said it was a long distance call?

A Yes, he had told me that was a long distance call after he came out.

Q So you figured it was easier to call some place long distance and go with a casual acquaintance, Fazio, with whom you hadn't had any association for some time, and to pay his forty dollars in cash?

A That's right.

Q And to take this strange girl, whom you had heard through Danny Patsos, through Bob Terris, had a disease?

A That's right.

Q Rather than to wait a couple of hours to take to a doctor in Milwaukee, you figured that was the simpler

and better way?

A No, the reason for it is the girl naturally would need medical attention would take maby several weeks,

Q How did you know that?

A I know a girl naturally in that condition can't get cured within a day or two.

Q Did you figure they could be cured out of town better than in Milwaukee?

A I wasn't interested where.

Q You said you would have taken her to a doctor in Milwaukee?

A Yes, if it was during the day, but the girl had to have a place to sta, she hadn't slept of several nights.

Q You figured you were going to take her out of town to sleep?

A That's right. If you think I'm lying--

THE COURT: Just a minute. You answered the question.

THE WITNESS: I am still willing to submit to that lie detector test.

THE COURT: Answer the questions, understand? I don't want any volunteer statements made by you at all.

BY MR. KERSTEN:

Q Now, Teddy, how much money did you say you had on you that night?

A I don't recall exactly, probably had forty or fifty dollars in my pocket.

Q The best you can tell us?

A Forty or fifty.

Q The reason you are saying "forty or fifty" that you had on you, is because you know you had to have that amount on you in order to pay Fazio \$40.00?

A Not that I had to have, but I did have, and that's the reason why I had that amount and had given Fazio that money at the time, forty dollars.

Q You had to have forty dollars to pay Fazio forty dollars?

A That's natural.

Q And you know that?

A Naturally I can't give him forty dollars if I haven't got it.

Q Were you short that week?

A No, I wasn't short that week.

Q When did you put that money in your pocket?

A Oh, God, now I don't know when I put that money in my pocket.

Q You mean it was so usual for you to have forty or

fifty dollars in your pocket that this didn't make any impression on you?

A I don't see what impression it should make. A man with a family with forty or fifty dollars in his pocket, isn't very much.

Q Do you own an automobile?

A Now, I do, yes.

Q Did you at that time?

A No.

Q You have a maid at home to help your wife take care of things?

A No.

Q You have servants around the house?

A No.

Q Forty or fifty dollars was just chicken feed for you?

A No, that isn't chicken feed. Forty or fifty dollars is money.

Q Were you planning to marry Irish?

A Definitely not.

Q Did it ever occur to you at that time that you were risking your married happiness to take this girl out of town?

A No, I wasn't doing anything wrong.

Q Don't you think it was a little bit strange for you to take a strange girl out of town and to give her

\$40.00?

A No, for the reason if I had even told my wife the story I don't think she would think anything of it.

Q What about this money in the bank at home? Was this forty dollars out of that bank?

A No, it wasn't out of that bank.

Q Have you ever taken any other girl out of town this way?

A Definitely not.

Q This was a kind of a funny experience for you, then?

A It was no experience, I just tried to help the girl.

Q Did you ever try to help any other girls?

A I don't recall, no. I have never ran into a girl in that situation before.

Q So this was the first time you ever had a really vital human problem like this presented to you, Teddy, of an abandoned girl, diseased, and you agreed to give her forty dollars and to conduct her out of town alone, so far as not being with your wife, with a couple of fellows you didn't know very well, and that, you feel, was nothing unusual, is that right?

A It was not unusual.

Q Did you figure it was unusual when you got up to Sheboygan Falls?

A Just what do you mean?

Q Did it strike you as being a little too far, when you got up there?

A Yes, in fact when we were in back I said--It told Fazio, "How far is this place?" In fact the girl recalls the same incident, and we thought we would never get there.

Q Now, tell us about that conversation.

Q What conversation?

Q That you were just telling me about. How far is this?

A I told him, "How far is it?" He said, "It isn't very far." We were sitting in the back seat and I wouldn't notice just where he was going.

Q Now I want you to tell me the entire conversation, as far as you can recall, from the time you first left the Belmont Hotel until you were on your way on the road, until you started to move in the car.

A That was the only conversation, because the girl was tired and fell asleep in the back seat.

Q You came out with the girl first?

A Yes.

Q Did Fazio come out with the girl?

A No, the girl was in the car, as I told you before, and after he had made this phone call he came out, he had gone over and got his car.

Q How did the girl get out of the Belmont Hotel?

A I told you she was seated in that chair.

Q How did she get out of that chair, onto the street?

A I had wakened her up.

Q How did she get out?

A She walked out.

Q Did somebody go with her?

A Yes, I went with her.

Q Did anybody else go with her?

A No, not that I recall.

Q Just you and the girl?

A Yes.

Q Where did you go?

A I told her to stay in the car.

Q In what car?

A In Duffy's car.

Q Where was that car?

A Right out in front of the hotel.

Q Where was Duffy?

A Duffy was inside.

Q How did you know which car to get into?

A I knew that was Duffy's car.

Q What did Duffy say about getting into that car?

A Didn't say nothing. Duffy is a cousin of mine.

Q What is his real name?

A Duffy Teritino.

A Duffy isn't his last name?

A No.

Q Teritino is his last name?

A Yes.

Q You have known Duffy for a long time?

A Yes.

Q Where is he now?

A He lives out of town.

Q Did he live out of town at that time?

A Yes, he just came in for a visit.

Q Where?

A I don't know where he is staying.

Q Where did he live at that time?

A In Milwaukee?

Q Yes.

A He stayed with his folks.

Q Where?

A Down on Huron Street, I believe.

Q Had he lived with his folks right up until that time?

A No, he was married. He just came in on a visit.

Q Live with his wife?

A Yes.

Q Where?

A Out of town somewhere.

Q Where?

A I don't know where he stayed.

Q What state?

A I believe the last time he was living in Chicago.

Q Where is he now?

A I don't know where he is.

Q Have you heard from him since?

A No.

Q When did he leave town?

A He had left a long time ago, because he just came in for a few days and left, just came in to visit his folks.

Q So this cousin of yours was in the hotel when you first came there?

A Yes.

Q It wasn't just a casual acquaintance?

A No. Duffy, I have known.

Q You have known Fazio pretty well?

A Naturally, I grew up with the boy, I knew all those boys.

Q You took the girl out of the Belmont Hotel and put her in Duffy's car?

A Yes.

Q What did you do there?

A That is when Fazio made this call.

Q Did you have any conversation with him?

A No.

Q Did you ask him where it was?

A No.

Q Had you said you were going to pay him forty dollars up to that time?

A No.

Q Had he asked you for some money up to that time?

A He said it would cost forty or fifty dollars, he didn't know exactly how much.

Q You were intending to pay that?

A Yes.

Q Had you told Fazio you would pay that?

A Yes.

Q What did you say?

A I said, "How much would it cost to get this girl cured?" He said "Forty or fifty dollars." He said, "I'll call up to make sure."

Q To get the girl cured?

A Yes.

Q Is that all the conversation you had?

A Yes, until after he had made this call.

Q After he made the call what did you do?

A He told me he had called up this party and he said it would cost about \$40.00. He said it would be all

right to take her up there.

Q What did you do?

A I said it would be all right.

Q That's all you did?

A Yes.

Q Was to say that?

A Yes.

Q Then what did he do?

A Fazio said he would go out and get his automobile, the automobile he had borrowed, I don't know just what automobile he did have, and he had pulled up alongside of Duffy's automobile, and he had told me, he said, "Let's get into this car, it's a newer model car, we won't have any trouble on the road," so we had all walked out, Duffy, Louis and I, and had called the girl from Duffy's car, and she got out of that car and we went into Louis Fazio's car.

Q And then what?

A Louis was at the wheel and Duffy sat in front with him, and Louis and I sat in the back.

Q Which way did you go?

A I don't know just exactly which way he went.

Q As near as you can tell us? I know you can't remember exact details.

A Turned left on probably Third Street, somewhere in

there, and then went north.

Q Do you remember the highway number you took out?

A No, I don't.

Q What conversation was there in the car as you started away from the Belmont Hotel and went out into the road?

A There was no conversation. All I told this girl, I said, "Now, this is a place where you will be able to get taken care of, you will be able to stay there and you will eat there and this woman will have a doctor for you." That's exactly what I told her.

Q You knew that?

A Yes, because Fazio had told me.

Q When did Fazio tell you that?

A Right after he had made this call.

Q He said he would have a doctor for her?

A Yes, he would have a doctor for her.

Q Have you ever taken care of strangers' medical needs before?

A No, never did.

Q Did you have any feeling at that time you would like to take care of all of the unfortunates in Milwaukee, or something like that?

A No.

Q Did you do anything as you left the Belmont Hotel, aside from having that conversation?

A No, just sat in the back seat with the girl. In fact she had asked me to sing her a few songs on the way out, and I sang several songs to her.

Q She didn't appear to be real sick, did she? Just tired?

A Tired, naturally.

Q She wasn't sick?

A I had found out she was sick and then I had told her whether she was sick or not, and she said, "I have been accused of it but I don't know whether I am or not."

Q Just what word of Bob Terris, who took the stand in favor of the defense, was there that she was diseased? You told me Bob Terris told Dan Patsos?

A Yes.

Q So Dan Patsos didn't tell you she was diseased?

A Yes, he had heard she was diseased.

Q But he didn't know it except from hearing it, as far as you knew?

A No.

Q So Bob Terris was the one on the word of whom you were advancing the forty dollars?

A No, on the word of this Dan.

Q It was Bob Terris' information, wasn't it?

A He had found out through Bob Terris' Tavern.

Q Do you know how Bob Terris found out she was diseased?

A No, I didn't go that far.

Q You didn't go that far back. You were riding along on the open road and you were singing?

A Yes.

Q Was there any other conversation as you rode up to Sheboygan Falls?

A Not that I recall, no.

Q Nothing at all?

A Not that I recall.

Q You don't recall Fazio turning around and telling the girl finally she was going to do some hustling up there?

A No, that was not said.

Q You don't remember that?

A No, that I don't remember. That wasn't said.

Q You are positive that wasn't said?

A I am positive.

Q You know what that term means?

A Sure, I know what that term means.

Q You know what a house of prostitution is, don't you?

A Yes, I do.

Q And the reason that you, as you said yesterday, finally found out this was a house of prostitution, was because you saw Irish come out of that place with a rather flamboyant or brightly colored gown, isn't that right?

A Yes.

Q What kind of a gown did she have on?

A I believe she had a blue gown on.

Q And that impressed itself on your mind and you immediately realized she was in a house of prostitution?

A No. I realized what she was doing at the time.

Q You realized she was indulging in prostitution?

A No, I didn't.

Q What do you mean you realized what she was going at the time?

A I don't know just what you mean.

Q You said you realized what she was going. What do you mean by that?

A I will relate my story back to the first time I took her up there, and I can explain it more thoroughly that way.

Q This is a cross-examination and you can't go from the beginning to the end in a nice fashion. I am asking you now what do you mean by saying you knew what

she was doing?

A She had told me herself what she was intending to do at that time, and I told her that I wasn't a pimp, and I wouldn't stand for it and I said, "Let's get into the car," and that's when I tried to take her back to Milwaukee.

Q What did she say?

A She told me---

THE COURT: Use her exact language as near as you can remember it.

A Well, when I went up to see her that day, she had taken me up to her room, she wanted to talk to me, and she told me that this Fazio hadn't given this landlady the forty dollars. That was the time she had this gown on.

Q She told you that in the room?

A Yes.

Q Do you remember yesterday when you were telling us she called up over the phone long distance?

A Yes.

Q And wanted her forty dollars back?

A That's right. That's the time I went up there, that same morning, when I went up there with Harry Couzens, that I had seen her in this gown.

Q Now, I will ask you this question: When did she tell

you what she was doing?

A When we were up in the room.

Q What did she say?

A I had seen her in this gown, and I told her, I said, "What are you doing?" She said, "Well, that's my business." I said, "Look, I don't want--I am not a pimp, and I don't want you to do anything like this. Let's get back into the car. I want you to meet somebody." So she finally got into the car, I persuaded her getting into the car and we started driving back to Milwaukee, and she insisted on going back to this place, she screamed, and that's when I had taken her back.

Q So that's when you found out what she was doing, by what she said?

A Yes.

Q And she said was "That's my business"?

A Yes.

Q She didn't say anything more?

A No, she didn't.

Q As you rode up thereon this first trip, you said you couldn't recall any other conversation than what you have already told us?

A No, I don't.

Q Can you recall anything you did, aside from singing

and sitting in the back seat with Irish?

A No.

Q Not a thing?

A Not a thing.

Q As you got up to the place in Sheboygan Falls, what was the first thing you saw when you got out there?

A When I got out there?

A When you got out of the car?

A We had walked into this place.

Q What place?

A This home.

Q What kind of a place did it appear to be to you?

A Just an ordinary home.

Q Set how far back from the road?

A It was set in about twenty feet from the road.

Q The lights were on, were they?

A Yes, the lights were on and this porch a sort of---

Q This was about 3:30 or 4 o'clock in the morning?

A Yes.

Q Did it look to you like a hospital?

A No, it was just a home. He had told me it was a home.

Q Out in the open country?

A Out in the open country.

Q Buildings all around?

A Yes, there were buildings across the road.

Q It wasn't in Sheboygan Falls, was it?

A I don't recall just where it was in.

Q About a mile west of Sheboygan Falls, wasn't it?

A I don't remember. I don't remember where in Sheboygan Falls or out of Sheboygan Falls.

Q You got out of the car, and what did you do?

A All went into this place.

Q Did you do anything as you walked from the car to the place, except just walked there?

A Just walked in.

Q Did you have any conversation?

A No, no conversation.

Q What conversation did you have with Fazio inside the place?

A There was no conversation, just walked in, and this woman, Gail, had walked in, and we had been introduced to her, and Fazio said he would talk to this other woman in the morning, this Maxine. She wasn't there at the time. We sat around there a few minutes, I was sitting on the couch with this girl, and just introduced to this woman, Gail, and then she went to sleep, she went upstairs to bed and we had all left. I had left with Duffy first, and Fazio had stayed in a few minutes and then he came out talking to this Gail.

Q You went out with Duffy in the car?

A Yes.

Q Terentino, your cousin?

A Yes.

Q You sat in the car?

A Yes.

Q Where did you sit when you got in the car?

A In the back.

Q And Duffy in the front?

A Yes.

Q How long was it before Fazio came out?

A A few minutes.

Q Then what?

A He got at the wheel and we drove back.

Q Who got at the wheel?

A Louis.

Q So Louis and Terentino, your cousin, were in front?

A Yes.

Q You were in the back?

A Yes.

Q Where did you go?

A Went right in town.

Q To Milwaukee?

A Yes, they dropped me off at the house.

Q Went right to your home?

A Yes.

Q What was the conversation on the way back?

A There was no conversation, only that he had told me he would go back next day to see this woman, this Maxine, that he would go back there next day to see this Maxine, that he would give her the money. That's all there was to it. And he drove me home.

Q Did you do any singing on the way back?

A No, there was no singing on the way back.

Q Was there any other conversation on the way back?

A Not that I recall.

Q Anything you did on the way back?

A No.

Q And you went home? What time did you get home?

A I don't remember exactly what time it was. It was about 7:30 or 8:00 o'clock, somewhere around there.

Q By that you mean in the morning?

A Yes.

Q What time did you get up?

A Got up the following afternoon.

Q Then went to work?

A Yes.

Q When did you see Fazio next?

A I didn't see Fazio for maybe a week after that, it was maybe two weeks after that.

Q Where did you see Fazio two weeks after that?

A He was in the neighborhood there. That's when I had told him about this girl, about this forty dollars, after she had called me up and I had told Fazio.

Q Now, Teddy, I have asked you everything that you did from the time you first met Fazio, all the conversation that you had with him in the Belmont Hotel, in the lobby, in the automobile on the way up, all that you did and all that you talked about, all that he did and talked about at the place, and all that you did and all that you talked about until you were back in your home. You haven't told me when you gave him the forty dollars. Now, when was it?

MR. SAMMARCO: You didn't ask him, counsel.

MR. KERSTEN: I object to any interruption.

THE COURT: Objection sustained.

BY MR. KERSTEN:

Q I have asked you to tell me everything that you did. When did you give him the forty dollars?

A That money was given to him on the way up in the automobile.

Q Now, tell us about it.

A I had reached over and given him the forty dollars. He said, "I will have to have the money before I go into

this home."

Q Can you tell me any reason why you failed to tell me that?

A I didn't just remember it.

Q That wasn't an important detail, was it?

A Yes, it was important. I had given him the money in the automobile.

Q You had given him the money?

A Yes.

Q Where were you when you gave him the money in the automobile?

A In the back seat.

Q Where was the car, what point on the trip, as near as you can tell us?

A I don't remember that.

Q Were you just starting out or just coming to the Old Colony Club?

A No, it was when we were on the road.

Q How did the subject come up?

A He had told me, or he said, "You better give me the money before we get up there. I want to give it to this woman."

Q What else was said?

A I just reached over and gave him the money.

Q Can you tell me any reason why you didn't tell me about

that conversation when you were first telling me every detail of it a few minutes ago?

A I just didn't recall it.

Q All right, now that forty dollars was your money, wasn't it?

A Yes.

Q Was it money you had earned?

A Yes, in tips and stuff.

Q And salary too?

A And salary.

Q That was your hard-earned money?

A That's right.

Q How much did you have left in your pocket after you gave him forty dollars in cash?

A About ten or twelve dollars.

Q How much did you have left in the bank at home?

A I don't recall just what I had at home.

Q Did you have any at home?

A I don't remember that.

Q And when you got up there, did you make any inquiry about the treatment, the medical treatment for this girl?

A No, not the first time I had gone up there, no.

Q Not at all?

A No.

Q You didn't interest yourself in any way about the curing of this girl's disease by making any inquiries of anybody when you got up there?

A Yes, because when Fazio said the woman wasn't there, he said he would go back the next day and talk to her.

Q So you left everything in Fazio's hands, the man you hadn't had any real acquaintanceship with for some years?

A No, but I told the girl I would be back in a few days and see how she was getting along.

Q Did you inquire of Fazio the next day or so as to how the treatment was coming along?

A Not Fazio, because I had received a phone call the following day, on the 3rd, I had got a call from this Maxine herself.

Q What did she say?

A She told me she had taken this girl to the doctor and the doctor had examined her and found that she was in very bad condition, and I told her, I said, "Well, take care of her the best of your ability and see she gets all the attention, because I will pay for it." I had given the money to Fazio and he would pay her.

Q You said you would pay for it?

A Yes.

Q You already had paid Fazio?

A Yes, because Fazio was supposed to see her next day and he hadn't went up there with this money.

Q How did you know he hadn't gone up there?

A He never did go up there.

Q How do you know that?

A Because later on I found out that money wasn't given to this landlady.

Q How did you know at that time he hadn't gone up there?

A I had known because this landlady had told me that Fazio wasn't there yet, that she hadn't seen Fazio.

Q Now, she said something about Fazio not showing up?

A Yes.

Q Did you ask her at that time whether he had paid her your forty dollars hard-earned cash?

A No, I told her that Fazio would pay her the forty dollars, I had given it to Fazio, and I didn't know whether he had paid it or hadn't.

Q When you got up there, how many girls were around there?

A I didn't remember any girls around there, there was just @ail there.

Q How was she dressed?

A I don't remember distinctly. Just ordinarily.

Q The girl was on the stand here yesterday, wasn't she?

A Yes.

Q Did you think she was a nurse of some kind?

A Just an ordinary woman, didn't know who she was.

Q I mean, wouldn't you expect to see somebody in a white uniform there at the door?

A No, it was just a home. I knew it was a home. Some people he said he knew.

Q What kind of a home did you think it was, or was it described as being?

A He said it was just a home, that's just exactly what it was when I got there.

Q Did you expect to see some little kiddies sleeping there in children's beds, or something?

A It could have been possible, but there wasn't any.

Q That could have been possible? As a matter of fact, you knew this was a house of prostitution right then and there, didn't you?

A Not at the time, I didn't know it at the time.

Q You didn't know it at the time?

A No.

Q The only one you saw was ~~Call~~ at that time?

A Yes.

Q How was she dressed?

A I don't remember how she was dressed.

Q She was dressed in pajamas, wasn't she?

A Not that I recall. There was just a dress she had on.

Q Do you remember the girl you took back to Milwaukee with you from there?

A I don't recall that.

Q You know Linda, don't you?

A Linda?

Q Yes.

A I didn't know her by name of Linda.

Q What do you know her by?

A I don't know just who you are talking about.

Q When you say you don't know her by name Linda, who did you refer to?

A The girl you are referring to.

Q Who is it?

A I don't know.

Q What girl is in your mind?

A I don't know any girl being in my mind by name Linda.

Q When you said you didn't know her by that name, that's the girl you took back to Milwaukee with you, isn't it?

A I don't recall that.

Q Well, if you didn't take a girl back with you, you would be positive you didn't, wouldn't you?

A That's right.

Q But you are not positive?

A I am positive.

Q Now, who was Linda?

A I don't know.

Q Who was the girl you referred to when you said, "I don't know her by that name?"

A I don't know any girl by name Linda.

Q Who was the girl you referred to when you said, "I don't know her by that name?"

A I don't know any girl by name of Linda.

Q Who was the girl you referred to when you said you didn't know her by that name?

A I wasn't referring to any girl.

Q You were not?

A No.

Q What did you mean when you said, "I don't know her by that name?"

A I don't know her? I just don't know anyone by that name.

Q Who do you mean by "her"?

A There was no girl.

Q As a matter of fact, Magliano, when you came in the door, Linda said, "Hello" to you, didn't she?

A All I seen was this girl.

Q As a matter of fact, Linda said, "How are you, Teddy," when you came in?

A No.

Q And she's the girl you and Duffy and Fazio took back to Milwaukee, isn't that the truth?

A No, I don't remember taking any girl back to Milwaukee.

Q You don't?

A No.

Q You remember a Jerry Nolan?

A Jerry Nolan? No, I don't remember no Jerry Nolan either.

Q You saw her there that night?

A I didn't see anybody there. All I seen was this Gail.

Q You remember seeing Honolulu Ann?

A I don't know Honolulu Ann.

Q You remember seeing Tiny there that night, don't you?

A I don't remember seeing any of them.

Q Now, when Maxine and Christ came down to Milwaukee on this occasion you mention, where were you?

A I was behind the bar.

Q What's the first person you saw after Maxine?

A They both came in together.

Q You recognized them?

A Yes.

Q What did you see?

A They had come in, they said, "Hello, Ted," and I said, "Hello" and they ordered a drink.

Q What was the conversation?

A The conversation was that they knew I wanted this girl away from that place.

Q They knew that?

A Yes, because I had told Fazio.

Q Tell us about that.

A When I had met Fazio and told him, "Go up there and get that girl away from that place and explain to this landlady about this forty dollars I gave you," and he told me the landlady owed him money. That I didn't know. And he said he would go up there.

Q I am not asking you about the conversation with Fazio. I am asking you about the conversation with Maxine and Christ at the Du Laveris Bar.

A They had walked in and we had just talked and I told them, "I want this girl away from that place because I don't want to be involved in any trouble," and they said, "Well, Ted, you can talk to her, she's outside, I'll go out and get her," and he went across the street to the Belmont Hotel.

Q Who did?

A Christ.

Q Where was Maxine?

A Maxine stayed right there.

Q With you?

A Yes.

Q You talked with her as he went across?

A No, I was tending bar at the time.

Q You talked with her a little while when they first came there?

A I probably did. I don't recall that.

Q How many times prior to that time had you met Maxine?

A Well, I had met her the second time I had went there, three days after the girl had been there. That was the first time I had met her, the first time in my life.

Q What did she say on that occasion?

A I don't recall what she had said. She had told me that this girl was laying out in the grass next to the river and had caught a cold, in fact she had called me up on the 3rd and told me this, and that's why I went up there on the 3rd. I had went up there with Duffy.

Q How many times after that had you seen Maxine?

A That was the first time I had seen her. And the second time I seen her was when I received this forty dollars from this girl, that was the second time, and the third time I seen her was down at Du Laveris Tavern.

Q Did you see her the time up in Sheboygan Falls, the

last time you were up there?

A The last time I was up there she wasn't there.

Q She wasn't there?

A No.

Q What conversation, if any, did you have with her at the time Irish gave you the forty dollars?

A There was no conversation. I didn't speak to her.

Q You just saw her?

A Yes.

Q Then you had this extended conversation with her at the Du Laveris Tavern, is that it?

A Yes.

Q You knew her pretty well, didn't you?

A No, I didn't know her pretty well.

Q You sat around a table with her in the kitchen a couple of times?

A Just the second time I went there.

Q When you sat around the table in the kitchen with her, what was going on?

A Nothing going on in particular.

Q You were checking into matters, weren't you?

A Checking over what matters?

Q Checking over the matter of how much she had coming on her prostitution.

A This girl at the time I was there the second time was

being taken care of by the doctor. That was three days after the first time I went up there, and this girl was being taken care of by the doctor, and she showed me the pills she was taking.

Q I am asking you about checking up her earnings?

A There was no checking up her earnings.

Q What were you doing around the table in the kitchen?

A Nothing. We sat there and had a cup of coffee and a piece of pie.

Q That's where the cash box was?

A I don't know where the cash box is.

Q That's where the little cards with punch holes are in?

A I don't know nothing about them cards with punch holes.

Q It is a fact, as you sat counting this money over with Maxine there was a couple of girls aside from Irish coming in and out of the kitchen?

A I didn't see the girls.

Q Did you see Jerry Nolan coming in?

A I don't remember any Jerry Nolan. I don't remember any of these girls.

Q Now, Teddy, when Irish called you over the phone and talked to you about the forty dollars, I want you to tell me what was said over the phone.

A I will tell it how I recollect it. She had called me up---

Q Don't tell me how you would like to tell it. I want you to tell what was said.

A I said I would tell you the way I recollect it. She had called me up and she had wanted to know how much money she had paid me, and I had told her forty dollars she had paid me originally, the money I had given Louis Fazio, and she told me she had consulted with the landlady and the landlady claimed Louis Fazio hadn't given the landlady any money, and this girl was sore when she talked to me over the phone, to come up there, she wanted to talk to me, and that same morning I went up there, with this Harry Couzens. We had gone up there and she had told me about this forty dollars that the landlady didn't receive, and I had told her I gave the money to Louis Fazio, and I said I would send him up here to prove that fact. So that's when I told her I wanted to get her back in the car.

Q I am just asking you about the telephone conversation. Have you told us all that was said about the telephone conversation?

A Yes, I thought she was sore and she called me up.

Q You have used the word that she said she had consulted Maxine. Did she use that word?

A No, she didn't use that word. She asked Maxine about that.

Q I want you to tell me the exact language.

A I don't recall the exact language she used.

Q That's as near as you can tell us?

A Yes.

Q Now, yesterday in response to Mr. Sammarco's question you said when she called you she told you that she wanted the forty dollars back?

A Yes.

Q I s that what she said?

A Yes, she wanted this forty dollars.

Q She wanted it from you?

A Yes, the forty dollars.

Q And the reason she wanted it from you was she had paid you?

A She hadn't paid me.

Q The reason she wanted it back was because she had given you forty dollars?

A She had never given me any forty dollars. That was the forty dollars she knows I had coming.

Q Did she give you the forty dollars or didn't she?

A Yes, she gave me the forty dollars I originally gave her.

Q That's what I am talking about, the forty dollars.

A Yes.

Q She did give you forty dollars?

A I don't deny that.

Q She told you she wanted that back, didn't she?

A That's right.

Q She knew you had been a good fellow and had advanced forty dollars of your hard-earned cash to Fazio to pay for her?

A Yes.

Q And here she was asking you to pay another forty dollars, is that right?

A Asking me to pay forty dollars?

Q Yes.

A No, she wanted me to give her the forty dollars back because she claimed the landlady didn't receive this forty dollars from Fazio, that was the reason she called me for this forty dollars.

Q In other words, she wanted you to pay again, is that right?

MR. SAMMARCO: That's objected to as already answered. He explained it.

THE COURT: That is argumentative. The objection is sustained.

BY MR. KERSTEN:

Q In other words, she wanted the forty dollars back,

isn't that correct?

A Yes, that's correct.

Q And the reason she wanted the forty dollars back was because she didn't owe you one red penny, isn't that correct?

A No, that wasn't it. She had found out from the landlady that Fazio hadn't given her this forty dollars, that was the reason why she had called me up.

Q So Fazio having not come through with the forty dollars she wanted you to pay instead of Fazio, is that right?

A She claims this money she gave me she was entitled to for the simple reason Louis didn't give the landlady the money, and she figured Louis gave me this forty dollars back.

Q How many different names did you know Irish by?

A Just "Irish"

Q Did you know her as "Pattie" something or other?

A No.

Q When you went up there and got this forty dollars, you saw some girls around there, didn't you?

A When I got this forty dollars?

Q Yes.

A No.

Q Didn't you see any girls at that time?

A I didn't see any girls there at that time.

Q Where did she give you the forty dollars?

A In this middle room.

Q In the kitchen?

A Not in the kitchen.

Q Where was Maxine?

A She wasn't there.

Q She wasn't there at all?

A No.

Q Maxine had given you other moneys, though?

A No, never at any time.

Q Oh, by the way, isn't it possible, Teddy, that when you were working at the Du Laveris Tavern that the last couple of weeks you worked there you were paid in cash instead of checks?

A The last couple of weeks I worked there?

Q Yes.

A I was never paid in cash, always by check. Mr. Du Laveris himself paid it.

Q Didn't he pay you in cash sometimes?

A Never. Never in cash. Always a check, and we would always cash it right over the bar.

Q Isn't it the last two times you were paid, you were paid in cash?

A No.

Q Isn't it a fact that you had to work for a couple of weeks and were not paid for the last couple of weeks?

A Pardon?

Q Isn't it a fact you had to work for the last couple of weeks, that you were not paid for the last couple of weeks?

A Mr. Du Laveris always paid us on the spot with a check.

Q What's the last check you got?

A On the 19th, as Mr. Du Laveris claims.

Q That is this Defendant's Exhibit G?

A Yes.

Q And the only reason you know you didn't work there on the 19th is on account of this check?

A No, I just didn't work there after the 19th.

Q Sure of that?

A Positive.

Q What other reasons can you give me that you know you didn't work there after the 19th, beside that check?

A I just didn't work there, that's all.

Q You know that?

A Yes.

Q How do you know that beside that check?

A Because I had went to work after that at my uncle's place at 6th and Michigan.

Q You know that, do you?

A: Yes.

Q Did you get your uncle up here? Is he available?

A He went hunting, dder hungtin.

Q But he knows you worked there the 20th of May?

A No, the 19th. I don't recall whether two weeks after that I worked for my uncle--a little over two weeks after that, in June sometime I started working there.

Q What were you doing the last ten days of May?

A I wasn't working.

Q You were not working at all?

A Yes.

Q Positive of that?

A Positive.

Q How do you know?

A Because I wasn't working. I know I wasn't working.

Q What do you recall in your mind?

A Because I had approached different people for a job at the time.

Q So the reason that you know that Irish isn't telling the truth about the last part of May and seeing you the last part of May at the Du Laveris Tavern is because you were not working there at the time?

A Yes, because I wasn't working there.

Q You are sure of that?

A Positively sure.

Q This check here is your proof you were not working there, together with your remembrance?

A Yes. If Mr. Du Laveris said that was the last check I received, it was the last check I received, and I know he wouldn't come up here and lie about that.

Q Weren't you paid two weeks in cash instead of checks?

A Never paid in cash.

Q Didn't you work two weeks, ever, without pay?

A Never did.

Q You are sure of that?

A Positively sure.

Q You are sure you didn't work the last ten days of May?

A Positively sure. I couldn't have worked there.

(Checks marked "State's Exhibits 3 and 4"

respectively, for identification.

BY MR. KERSTEN:

Q I want you to look at Exhibits 3 and 4, on the back of these checks, and tell me whether or not that is your signature.

A That is.

Q I will ask you to look at the faces of the checks and tell me the dates on those checks.

A May 27th, 1941 and June 2, 1941.

Q So, Mr. Gagliano, you worked at the Du Laveris Tavern up until the beginning of June, didn't you?

A I didn't recall. When Mr. Du Laveris took the stand yesterday afternoon he claims the last check I received was the 19th. I didn't remember distinctly whether the 19th or not, but he said that, and I took his word for it. I don't remember distinctly, because in June I had worked for my uncle.

Q What about this ten days off that you had?

A It was several days off, I don't remember just exactly what it was.

Q As a matter of fact, Capp, or Gagliano, the time that you saw Bhrist and Maxine and Irish was around the end of May, wasn't it, after the 19th?

A I don't remember that distinctly.

Q You don't?

A No, I don't.

Q You know now you were working there right up to the 1st of June by these checks, were you? Look at them, take as much time as you want.

A That's true.

Q Have you looked at them sufficiently to satisfy yourself?

A Yes.

Q Do you know now you worked there until the end of May?

A I know now that this ends a perfect crime, that's all I have to say, for the reason that it is strictly a

frame-up, that's what it is all the way around. I don't know how this come to be, but I know whatever they are trying to do to me, they are doing a very good job of it.

Q Whose perfect crime are you talking about?

A Well, I would like to say---

MR. SAMMARCO: I suggest my client talk, just keep on talking.

BY MR. KERSTEN:

Q Whose perfect crime are you talking about?

A I don't know whether it has come out of the District Attorney's office or where it has come from, but I know I am being framed if anything in this world was ever framed. I don't recall ever receiving any money from these landladies or this woman at any time. The only money I received and admit is this forty dollars I received, and that's the truth. I am willing to submit to a lie detector test.

THE COURT: Please don't encourage your client---

A My life is at stake, and I'm being framed. It is just exactly---

THE COURT: I would like to say this to the jury at this time, that lie detectors are not deemed sufficiently infallible to be provided for

as a test by law, and it is for that reason that his offer to submit to a lie detector is not accepted. The jury will ignore his statement he is willing to submit to a lie detector.

BY MR. KERSTEN:

Q Now, let me ask you this, talking about lies, Mr. Gagliano, do you now say that Irish is telling a lie or the truth when she says she was in there around the end of May?

A I still think it's a lie because I only knew Irish for two and a half weeks at the most.

Q How long after you saw Maxine was it you left Du Laveris?

A Right after that sometime. I don't remember just exactly.

Q It was a day or so, wasn't it?

A I don't remember distinctly.

Q Do you now deny these two checks, State's Exhibits 3 and 4, are bonafide checks? Do you think they are framed checks?

A No, they are not possibly framed checks, but it still doesn't prove the fact that I didn't see this party before the 19th for the last time.

Q Why do you pick out the 19th as being the time you say is after you saw Maxine and Irish the last time?

A Well, I had know definitely--I only knew this girl two and a half weeks. When my employer came up here and stated the fact that was the last check I had received, about the 19th, I had believed him, and I had thought that was true, and then I knew my statement to the District Attorney was right when I said I only knew the girl two and a half weeks, and these checks-- for two weeks after the 19th. It is probably so. I am not denying that. It's my signature. I probably did work there until the end of May, but I didn't see this party there at the end of May, this party came to see me before the 19th.

Q So you are now saying that the reason you know it was before the 19th is because you only knew her two and a half weeks?

A That's all I knew her. I told the District Attorney that, and he told me later on I had known the girl a month. I only knew the girl two and a half weeks.

Q You know you left Du Laveris right after you saw Irish the last time, don't you?

A I left?

Q You left your employment?

A I didn't leave. My job expired.

Q What do you mean? What expired?

A That's all, he just gave me the last check, which was

2nd of June. He had told me business wasn't so good, and he would have to let me go for awhile, so I secured two other jobs before I came back, and I was supposed to go back to work for Du Laveris for this convention. That is when I had known this investigation was going on and they were looking for me, and I came up here with my lawyer.

Q Now, you terminated or ceased or stopped your employment with Du Laveris right after you saw Irish the last time, didn't you?

A Not right after I had seen Irish the last time. I had worked there probably several weeks after that.

Q Yesterday you told us right after you saw Maxine and Christ and Irish, you were paid for the last time, a day or so after that?

A That's right.

Q Is that true or isn't it--just explain yourself.

THE COURT: Isn't that a matter for the jury?

MR. KERSTEN: I guess that's right, if the Court please.

Q Now, do I understand you correctly to say that after you saw Irish the last time, you worked there at least two more weeks?

A According to this, yes.

Q. Now, the reason, Gagliano, that you frequently and usually have forty or fifty dollars in your pocket during this period was because you had other sources of income than Du Laveris Tavern and your tips for singing there, wasn't it?

A. No other source of income.

Q. You told this jury this morning as we started out, you usually carried around forty to fifty dollars to sixty dollars in your pocket?

A. Yes, I had that at times in my possession.

Q. You say you usually carried it around?

A. Yes.

Q. And that's the truth?

A. Yes.

Q. That to you, wasn't anything unusual, was it?

A. Unusual to have that amount in my pocket?

Q. Yes.

A. No, I always had it in my pocket.

Q. You had it in your pocket more days than your pocket was empty, isn't that true?

A. I had worked for three consecutive years and working steady, I naturally would have a little money in my pocket.

Q. My question is more than half of the time during this period you had forty or fifty dollars in your pocket.

That's true, isn't it?

A Yes.

Q And at the same time you were drawing your weekly check in advance?

A Yes, I would draw my check, I would sometimes have to pay Union dues or have to borrow some money. If I didn't have any with me I would draw it, put on the slip, and it would be taken out the end of the week.

Q The fact is you didn't have forty or fifty dollars in your pocket immediately until after you met Irish, isn't that true?

A That isn't true.

Q After you met Irish---

A That isn't true.

Q After you met Irish you didn't have to get any advances on your checks, did you?

A I never made any money as a panderer. I received this forty dollars and I admit receiving this forty dollars, and that was the money I had given her originally and that is the only money.

Q The forty or fifty dollars that you usually had in your pocket after the first part of May was the money you got from Maxine from Irish's prostitution?

A That isn't true.

Q That isn't true?

A No, it isn't.

Q That's a frame-up, is it?

A Strictly, as you may call it. I don't know where this girl got these stories, but wherever she did, she really planned it very, very fine.

Q Now, just one more question. Did you ever get a bill from any doctor for medical treatment for Irish?

A No.

Q Whereby you were satisfied that the forty dollars you paid was bonafide?

A Never.

Q Did you ever get the name of any doctor was going to take care of Irish's disease, that you heard about from Bob Terris?

A No.

Q Did you ever find out from Maxine what the bill was?

A Yes, I told her.

Q You had told her?

A Yes.

Q Well, did you find out from Maxine what the bill was?

A Yes, she had told me it would cost forty or fifty dollars.

Q She told you it would cost forty or fifty dollars?

A Yes.

Q A little while ago you said Fazio told you.

A Yes, Fazio told me the same thing.

Q Instead of the forty or fifty dollars, that was forty dollars?

A I don't remember whether she said around forty or fifty.

Q When did she say that?

A She said that the first time I had seen her.

Q When was that?

A On the 3rd.

Q 3rd of May?

A Yes.

Q You saw Maxine on the 3rd of May?

A Yes, I saw Maxine on the 3rd of May.

Q Where?

A Up at this house.

Q You told me this morning you never saw Maxine until you went up there the second time.

A That's what I am referring to, on the 3rd.

Q May 3rd?

A Yes.

Q The next day?

A Not the next day; several days after she had made this call.

Q Several days after she made the call, three days, to be exact, when would that be?

A Around the 6th.

Q So you didn't see her May 3rd, did you?

A No, she had called me May 3rd.

Q Yes,

A She had called me up at this tavern on May 3rd.

MR. KERSTEN: That's all.

RE-DIRECT EXAMINATION

BY MR. SAMMARCO:

Q You state you own an automobile now?

A Yes.

Q What kind of a car?

A '36 Ford.

Q When did you buy it?

A Oh, I don't remember exactly when I bought it.

Q About what month?

A About July sometime.

Q In July sometime? How much did you pay for it?

A I had bought a car for thirty-five dollars. I don't remember exactly what model it was. About a '26 Chevrolet or something like that, a coupé, and I had traded in that Chevrolet for this '36 Ford. They had allowed me fifty dollars on this Chevrolet.

Q What did you pay for the '36 Ford?

A The '36 Ford was two hundred dollars, I believe.

Q How much did you give as down-payment?

A I had given them fifty dollars in cash.

Q Is that the allowance?

A That's the allowance.

BY THE COURT:

Q Was there a fifty dollar allowance and fifty in cash?

A Yes, I had given fifty dollars in cash and fifty dollars in allowance.

BY MR. SAMMARCO:

Q And how much a month?

A I believe eleven dollars a month.

Q Who financed that car?

A I don't remember who financed the car. I think it was the M.A.C. Finance, 35th and North.

Q How much do you still owe on that car?

A I owe quite a bit on this automobile. I only made two or three payments.

Q In other words, you owe, the, about seventy dollars?

A More than seventy dollars.

Q About how much?

A About \$100.00.

Q That includes interest and everything?

A Yes.

Q Now, in addition to your salary of \$27.50 per week, did you have any other income?

A No other income, just my tips I made over the bar.

Q What tips did you usually average during the month of May?

A It varied. Sometimes I would make twelve or fifteen dollars a week, and then again only five.

Q Do you know a thing about those checks?

A I don't know a thing about those checks.

Q If you did sign your name, that would be checks you received in payment of labor?

A Yes.

Q There is no question if those are the dates, those are the true dates?

A Those are true dates.

MR. SAMMARCO: That's all.

MR. KERSTEN: I will offer these checks, Exhibits 3 and 4, into evidence.

THE COURT: They are received.

BY THE COURT:

Q Just one question, you say on the night or morning of the 3rd that you got home from Sheboygan after taking this girl up to Sheboygan?

A The morning of the 2nd I had received a phone call-- on the 3rd.

Q No, I am not talking about the phone call. It was the evening of the 2nd at 9:30 you met her at the Du Laveris

Bar?

A. Yes.

Q And after your trip to Sheboygan Falls you returned home at, I think you said, 7:30 or eight o'clock in the morning?

A Yes.

Q So that your mother and your wife yesterday were mistaken when they said you never came home later than 2:30 or 3:00?

A At times they would be sleeping and wouldn't know what time I got home.

THE COURT: That's all.

MR. SAMMARCO: That's all.

NICK DU LAVERIS, being recalled, testified further as follows:

BY MR. SAMMARCO:

Q You were ordered by this Court to bring in the social security records and unemployment records by the subpoena?

THE COURT: That was an order of the Court. The order of the Court here yesterday was to Terris.

A Yes.

Q May I have your records, your social security and

unemployment compensation records?

A Here is the social security.

Q Now, according to your records, when did Mr. Gagliano start working for you?

A The first part of December, 1940.

Q How long did his employment continue?

A According to my books, until the 2nd day of June.

Q And yesterday when you brought in that check and made the statement that was the last check he got, were you mistaken?

A I looked for those two checks and couldn't locate them, couldn't find them.

Q You looked for those two checks at the request of the District Attorney?

A That's correct.

Q And didn't find them?

A Mr. Mr. Hanlon and I checked over all of the checks.

Q There is no doubt about his working there until June, 2nd?

A That's correct.

Q I came into your tavern to investigate this case, is that correct?

A Yes.

Q To whom did I talk when I came in there?

A You talked to me and Mr. Patsos.

Q What did Mr. Patsos say about this question of working there, as far as shifts was concerned?

MR. KERSTEN: Object to this as immaterial.

THE COURT: Objection sustained.

MR. SAMMARCO: I'm sorry.

THE COURT: That remark is stricken and the jury instructed to disregard it. You know very well you can't get that kind of testimony in.

BY MR. KERSTEN:

Q Yesterday, when you testified up here, you had this check for May 19th and you stated at that time, you told that was the last check?

A That's right.

Q Last night, after the testimony of the day was closed, our office got in touch with you, isn't that correct?

A That is correct.

Q You came down to our office?

A Yes.

Q And Mr. George Hanlon was there in our office?

A He was.

Q And the District Attorney and I requested that he go with you to your records and make a thorough search of your canceled checks?

A That's correct.

Q And then this thorough search was made by Mr. George

1, Hanlon in your presence, then these two checks, State's Exhibits 3 and 4, were found?

A That is correct.

Q But prior to that time Mr. George Hanlon had looked through your private papers, had he?

A No.

Q Prior to yesterday Mr. Sammarco had been down to see you to ask you for the last check, hadn't he?

A No, he never asked me about check.

Q You gave him the last check?

A No, I never talked about any checks.

Q He told you to bring up the last check, didn't he?

A He told me to bring the books and social security records.

Q You had a check when you took the stand as his witness?

A That was in the subpoena.

Q Under his subpoena?

A That's correct.

Q And he asked you to bring along two of the checks?

A That's correct.

Q And the last check you brought along under his subpoena was May 19th?

A That's right.

BY MR. SAMMARCO:

Q You were served with subpoena on the 13th of November,

1941?

A That's right.

Q Prior to that I had spoken to you, is that correct?

A That's right.

Q Was there any conversation said about you bringing anything at all except what was called for in this subpoena?

A That's right, that's all.

Q You didn't talk to me about your records or anything else?

A No.

MR. SAMMARCO: That's all.

BY MR. KERSTEN:

Q The Subpoena you were served with, Mr. Du Laveris, requires, among other things: "And you, Nick Du Laveris, are also required to bring with you and there produce in evidence:

"(1) All canceled checks issued to Ted Gagliano by Nick Du Laveris, or Du Laveris Bar, between April 27, 1941, and May 10, 1941."

Is that right?

A That's correct.

Q "(2) Duplicate copies and original books of entry pertaining to payment of Wisconsin Unemployment Com-

pensation on behalf of Salvatore Gagliano, for the month of May, 1941.

Is that correct?

A That's correct.

Q Did you bring along the Unemployment Compensation record?

A Haven't.

Q You brought along the social security report yesterday, didn't you?

A That's right.

Q That, as I remember the notation of the last check, being June 2, 1941?

A That's correct.

Q Mr. Sammarco didn't ask you to produce that yesterday, in accordance with his subpoena?

A No.

Q All he asked you about was the check dated May 19th, is that correct?

A That's correct.

MR. KERSTEN: That's all.

q BY MR. SAMMARCO:

Q When you talk about that check of May 19th, did I know or at any time receive any information from you you had a check as of May 19th?

A Never did.

MR. KERSTEN: Object to that as improper question.

THE COURT: Objection sustained. We are not trying counsel.

MR. KERSTEN: The only thing I want to call the witness' attention to is that this request on a subpoena that as I understand was gotten out by Mr. Sammarco, the request calls for canceled checks between April 27th, 1941, and May 10th, 1941. I am curious to know why all canceled checks were not called for.

MR. SAMMARCO: You don't want to put me on the stand, I suppose?

MR. KERSTEN: No, I don't.

BY MR. SAMMARCO:

Q By the way, you got those checks I asked for from April to May 10th?

A Yes, I got them.

Q May I take a look at them?

(Checks marked "Defendant's Exhibits H,

I and J", respectively, for identification.)

Q I show you identification Defendant's Exhibits H, I and J and ask you what they are?

A This is a check issued by me to Teddy Capp on May 5th (Indicating Defendant's Exhibit H)

Q And all those checks were for work performed by
Teddy Capp?

A That's correct.

Q I would like to read in the record the date, April
28th, 1941, check to Ted Capp, issued on the West
Side Bank, \$23.00, being Defendant's Exhibit J.

Check of May 12th, 1941, to Ted Capp,
\$25.00, issued on the same bank, being Defendant's
Exhibit I.

Check of May 5th, 1941, payable to Ted
Capp, \$19.00, issued on the same bank, being Defen-
dant's Exhibit H.

And I offer those in evidence.

THE COURT: Received.

BY THE COURT:

Q Did Capp work steadily for you from the 1st of May
until the 2nd of June?

A Yes, except his day off.

Q I mean, he got a check every week during that inter-
val?

A Yes.

Q Then there would have been another check between the
May 5th check and the May 19th check, would there not?

A There is one of the 12th.

Q Then you say you brought this check of May 19th in

response to the subpoena?

A That's correct.

Q Why?

A Because it said the date paid to him---

Q Between April 27th and May 10th?

A ---and May 10th.

Q You brought those, and the check of May 19th?

A That's right.

BY MR. SAMMARCO:

Q In other words, you were not requested to bring that May 19th check under my subpoena?

A No.

BY THE COURT:

Q That was just by error on your own part?

A Yes.

ROBERT TERRIS, being recalled, testified further as follows:

BY MR. SAMMARCO:

Q From April 13th to May 2nd, how many bartenders did you have in your place?

A Two bartenders.

Q Now, during what hours of the day would you go to your tavern to check?

A Sometimes I used to go two o'clock in the morning,

or three o'clock.

Q How long would you stay there?

A Until 6:00 or 7:00.

Q In the morning?

A Then I close up at six o'clock.

Q Were you there in the evening about 3:00 to 8:00 or 9:00?

A No, I usually used to go in the afternoon until five o'clock and I was gone 5:00 and come back 12:00, and sometimes in the morning 2:00 or 3:00 o'clock.

Q Who was the bartender you employed between the 15th day of April and the 2nd day of May, according to your records?

A I had two of them, whichever one happened to be there.

Q Who were they?

A Anton Federspiel.

Q What is his address?

A 1442 North 11th Street

Q Who was the other one?

A Harry E. Glover.

Q Where does he live?

A I got his telephone number.

Q What is his telephone number?

A Beacon 4889-M.

Q. That is Beacon Exchange, is that correct?

A Yes.

MR. SAMMARCO: That's all.

MR. KERSTEN: That's all.

MRS. MARY WOOD, being first duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q Your full name?

A Mrs. Mary Wood.

Q Do you know the defendant, Gagliano?

A Yes.

Q How long have you known him?

A I have known him about five years.

Q What is his relation to you?

A He is married to my daughter. He is my son-in-law.

Q Do you know his reputation for truth and veracity in
the community where he resides?

A Yes.

Q Is it good for bad?

A Very good.

MR. SAMMARCO: That's all.

MR. KERSTEN: No questions.